HIGH COURT OF CHHATTISGARH: BILASPUR

Writ Petition No. 3000 of 2005

Petitioner		President Adarsh Mahila Swayam Sahayata Samuh Silota, Through-Smt. Malti Devi, W/o. Shri Rambilas, Village Panchayat of Silota Block Pratppur, Dist. Sarguja,
		Versus
Respondents	1)	State of Chhattisgarh through Secretary, Panchayat Department, D.K.S. Bhawan, Raipur, CG.
	2)	Sub-Divisional Officer (R) Pratappur, Sarguja, CG.
	3)	The Collector (Food), Pratappur, Sarguja, CG.

(Writ Petition under Article 226/227 of the Constitution of India)

SB: Hon'ble Shri Justice Satish K. Agnihotri

Present:
Shri D N. Prajapati, counsel for the petitioner.
Shri Utkarsh Verma, Deputy Panel Lawyer for the State.

ORAL ORDER
(Passed on 23rd April, 2007)

By this petition, the petitioner impugns the order dated 5-7-2005 (Annexure P/1), whereby allotment of Fair Price Shop vide order dated 22-7-2004 (Annexure P/2) was cancelled.

2. The indisputable facts, in nutshell, are that the petitioner is a self help group namely Adarsh Mahila Swayam Sahayata Samuh, Silota. The petitioner is president of the said group. The said group was granted allotment of Fair Price Shop vide order dated 22-7-2004 (Annexure P/2) in village Silota, Block Pratappur, District Sarguja.

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3. The only contention of the learned counsel appearing for the petitioner is that Clause 16 (3) of the Public Distribution System (Control) Order 2004 (for short, "the Order 2004) clearly provides that before cancellation of authority letter of Fair Price Shop or forfeiture of whole or part of security, Food Controller or Food Officer of district, Sub Divisional Officer of sub division, shall issue show-cause notice and after giving him appropriate opportunity of hearing, decision shall be made. No opportunity of hearing was afforded as per provisions of the Order, 2004.

4. It is admitted case of both the parties that before passing the impugned order i.e., cancellation of authority letter of Fair Price Shop, neither show cause notice nor proper opportunity of hearing was afforded to the petitioner. Thus, there is admitted infraction of the statutory provision as contained in Clause 16 (3) of the Order 2004.

5. In view of the foregoing, the impugned order dated 5-7-2005 (Annexure P/1) is set aside and the petition is allowed. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Raju